

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: IOWA JOINT UTILITY MANAGEMENT PROGRAM, INC.	DOCKET NOS. A-01-3597 CGP-01-12 WRU-02-20-3597
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**ORDER GRANTING REQUESTS FOR CONFIDENTIALITY
AND GRANTING WAIVER**

(Issued June 28, 2002)

On May 8, 2002, Iowa Joint Utility Management Program, Inc. (IJUMP), filed with the Utilities Board (Board) an annual report for the year ending December 31, 2001, as required by 199 IAC 19.14(5)"c." Also, on May 8, 2002, IJUMP filed a request for confidential treatment of the information contained in the annual report, except for total annual gross revenues for Iowa operations which are made public pursuant to Iowa Code § 476.10. The annual report and the request for confidential treatment have been identified as Docket No. A-01-3597. On June 7, 2002, IJUMP filed a revised request for confidential treatment. In addition, IJUMP filed the annual gross revenues for its Iowa operations as public information.

On June 19, 2002, IJUMP filed a request for confidential treatment for the information contained in its monthly report filed pursuant to 199 IAC 19.14(5)"d." The request for confidential treatment of the monthly report has been identified as Docket No. CGP-01-12. In addition to the request for confidential treatment for the monthly reports, IJUMP requested that the requirement of filing a monthly report be waived

and that IJUMP be allowed to file the report semi-annually. This waiver request has been identified as Docket No.WRU-02-20-3597

IJUMP states that the information in the annual report and monthly report for which confidential treatment is requested consists of sensitive data regarding the number of customers, volume of sales to customers, prices paid by customers, and revenues collected from customers of IJUMP's Iowa operations. The information concerns IJUMP's operations during each month for the year ending December 31, 2001. IJUMP asserts that the information should be held as confidential pursuant to Iowa Code § 22.7(6). IJUMP filed the information separately and attached an affidavit of a corporate officer in support of the request.

Iowa Code § 22.7(6) provides confidential treatment for public records that are reports to government agencies and which, if released, would give advantage to competitors and would serve no public purpose. The Board has adopted rules establishing requirements for the certification of competitive natural gas providers (CNGPs) pursuant to Iowa Code §§ 476.86 and 476.87. In 199 IAC 19.14(5)"c," the Board recognized that much of the information required to be filed could be competitively sensitive and so provided in the paragraph for filing a request for confidential treatment to prevent public inspection of the sensitive information.

The Board finds that the information concerning the number of customers, monthly volumes, prices charged and revenues meet the requirements of Iowa Code § 22.7(6) and will be protected from public disclosure. The competitive natural gas market is becoming more competitive and release of the information would benefit competitors of IJUMP without providing any benefit to the public.

For the reasons discussed above, the Board finds the customer numbers, monthly volumes, prices charged and revenues filed by IJUMP on May 6, 2002, and June 19, 2002, should be held confidential under the provisions of Iowa Code § 22.7(6).

Rule 199 IAC 1.3 states that the Board may grant a waiver if it finds, based upon clear and convincing evidence, that the application of the rule would pose an undue hardship, the waiver would not prejudice the substantial legal rights of any person, the provisions waived are not specifically mandated by statute, and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board has considered the waiver requests described above and finds that the waiver meets the four criteria of the rule and the evidence in support of the waiver is clear and convincing.

The Board finds that the application of the rule would pose an undue hardship on IJUMP and the waiver will not affect the substantial legal rights of any person. The monthly filing requirement for the rates charged small volume natural gas customers in 199 IAC 19.14(5)"d" was designed for disclosure of rates in a fully competitive market. Since the Board has not moved to a fully competitive environment at this time, the Board finds that the monthly filing of the rates charged small volume customers is not necessary.

Additionally, the filing requirement is not specifically mandated by statute and substantially equal protection of public health, safety, and welfare will be afforded after the waiver. The Board will therefore grant the waiver for filing the monthly reports required by 199 IAC 19.14(5)"d." The Board also finds that an annual filing is

sufficient instead of the semi-annual filing proposed by IJUMP. This waiver will extend until the Board determines that the small volume gas market is sufficiently open to warrant the release of monthly rates by CGNPs.

IT IS THEREFORE ORDERED:

1. The request for confidential treatment filed by Iowa Joint Utility Management Program, Inc., on May 8, 2002, as revised on June 7, 2002, is granted.
2. The request for confidential treatment filed by Iowa Joint Utility Management Program, Inc., on June 19, 2002, is granted.
3. The information afforded confidentiality will be held confidential pursuant to the provisions of Iowa Code § 22.7(6).
4. The information held confidential by the Board shall be subject to the provisions of 199 IAC 1.9(8)"b"(3).
5. Iowa Joint Utility Management Program, Inc.'s request for a waiver, identified as Docket No. WRU-02-20-3597, from the monthly filing requirements of 199 IAC 19.14(5)"d" is granted. The information shall be filed annually.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 28th day of June, 2002.